

Department of State

§ 121.9

- (a) Lung irritants:
 - (1) Diphenylcyanoarsine (DC).
 - (2) Fluorine (but not fluorene).
 - (3) Trichloronitro methane (chloropicrin PS).
- (b) Vesicants:
 - (1) B-Chlorovinylchloroarsine (Lewisite, L).
 - (2) Bis(dichloroethyl)sulphide (Mustard Gas, HD or H).
 - (3) Ethyldichloroarsine (ED).
 - (4) Methyldichloroarsine (MD).
- (c) Lachrymators and tear gases:
 - (1) A-Bromobenzyl cyanide (BBC).
 - (2) Chloroacetophenone (CN).
 - (3) Dibromodimethyl ether.
 - (4) Dichlorodimethyl ether (ClCi).
 - (5) Ethyldibromoarsine.
 - (6) Phenylcarbylamine chloride.
 - (7) Tear gas solutions (CNB and CNS).
 - (8) Tear gas orthochlorobenzalmalononitrile (CS).
- (d) Sternutators and irritant smokes:
 - (1) Diphenylamine chloroarsine (Adamsite, DM).
 - (2) Diphenylchloroarsine (BA).
 - (3) Liquid pepper.
- (e) Nerve agents, gases and aerosols. These are toxic compounds which affect the nervous system, such as:
 - (1) Dimethylaminoethoxycyanophosphine oxide (GA).
 - (2) Methylisopropoxyfluorophosphine oxide (GB).
 - (3) Methylpinacolyloxyfluorophosphine oxide (GD).
- (f) Antiplant chemicals, such as: Butyl 2-chloro-4-fluorophenoxyacetate (LNF).

§ 121.8 End-items, components, accessories, attachments, parts, firmware, software and systems.

- (a) An *end-item* is an assembled article ready for its intended use. Only ammunition, fuel or another energy source is required to place it in an operating state.
- (b) A *component* is an item which is useful only when used in conjunction with an end-item. A major component includes any assembled element which forms a portion of an end-item without which the end-item is inoperable. (EXAMPLE: Airframes, tail sections, transmissions, tank treads, hulls, etc.) A minor component includes any assembled element of a major component.

(c) *Accessories* and *attachments* are associated equipment for any component, end-item or system, and which are not necessary for their operation, but which enhance their usefulness or effectiveness. (EXAMPLES: Military riflescopes, special paints, etc.)

(d) A *part* is any single unassembled element of a major or a minor component, accessory, or attachment which is not normally subject to disassembly without the destruction or the impairment of design use. (EXAMPLES: Rivets, wire, bolts, etc.)

(e) Firmware and any related unique support tools (such as computers, linkers, editors, test case generators, diagnostic checkers, library of functions and system test diagnostics) specifically designed for equipment or systems covered under any category of the U.S. Munitions List are considered as part of the end-item or component. *Firmware* includes but is not limited to circuits into which software has been programmed.

(f) *Software* includes but is not limited to the system functional design, logic flow, algorithms, application programs, operating systems and support software for design, implementation, test, operation, diagnosis and repair. A person who intends to export software only should, unless it is specifically enumerated in § 121.1 (e.g., XIII(b)), apply for a technical data license pursuant to part 125 of this subchapter.

(g) A *system* is a combination of end-items, components, parts, accessories, attachments, firmware or software, specifically designed, modified or adapted to operate together to perform a specialized military function.

§ 121.9 Firearms.

- (a) Category I includes revolvers, pistols, rifles, carbines, fully automatic rifles, submachine guns, machine pistols and machine guns to .50 inclusive. It includes combat shotguns. It excludes other shotguns with barrels 18" or longer, BB, pellet, and muzzle loading (black powder) firearms. It also excludes accessories and attachments for firearms that do not enhance the usefulness, effectiveness, or capabilities of the firearm, its components and parts (e.g. belts, slings, after market rubber grips, cleaning kits).

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(b) A *firearm* is a weapon not over .50 caliber which is designed to expel a projectile by the action of an explosive or which may be readily converted to do so.

(c) A *rifle* is a shoulder firearm which can discharge a bullet through a rifled barrel 16 inches or longer.

(d) A *carbine* is a lightweight shoulder firearm with a barrel under 16 inches in length.

(e) A *pistol* is a hand-operated firearm having a chamber integral with or permanently aligned with the bore.

(f) A *revolver* is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

(g) A *submachine gun*, “machine pistol” or “machine gun” is a firearm originally designed to fire, or capable of being fired, fully automatically by a single pull of the trigger.

[58 FR 39287, July 22, 1993, as amended at 64 FR 17533, Apr. 12, 1999]

§ 121.10 Forgings, castings and machined bodies.

Articles on the U.S. Munitions List include articles in a partially completed state (such as forgings, castings, extrusions and machined bodies) which have reached a stage in manufacture where they are clearly identifiable as defense articles. If the end-item is an article on the U.S. Munitions List (including components, accessories, attachments and parts as defined in § 121.8), then the particular forging, casting, extrusion, machined body, etc., is considered a defense article subject to the controls of this subchapter, except for such items as are in normal commercial use.

§ 121.11 Military demolition blocks and blasting caps.

Military demolition blocks and blasting caps referred to in Category IV(a) do not include the following articles:

- (a) Electric squibs.
- (b) No. 6 and No. 8 blasting caps, including electric ones.
- (c) Delay electric blasting caps (including No. 6 and No. 8 millisecond ones).
- (d) Seismograph electric blasting caps (including SSS, Static-Master, Vibrocap SR, and SEISMO SR).

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(e) Oil well perforating devices.

§ 121.12 Military explosives and propellants.

(a) Military Explosives in Category V are military explosives or energetic materials consisting of high explosives, propellants or low explosives, pyrotechnics and high energy solid or liquid fuels, including aircraft fuels specially formulated for military purposes. Military explosives are solid, liquid or gaseous substances or mixtures of substances which, in their application as primary, booster or main charges in warheads, demolition and other military applications, are required to detonate.

Military explosives, military propellants and military pyrotechnics in Category V include substances or mixtures containing any of the following:

(1) Spherical aluminum powder of particle size 60 micrometres or less manufactured from material with an aluminum content of 99% or more;

(2) Metal fuels in particle sizes less than 60 micrometres whether spherical, atomized, spheroidal, flaked or ground, manufactured from material consisting of 99% or more of any of the following: Zirconium, magnesium and alloys of these; beryllium; fine iron powder with average particle size of 3 micrometres or less produced by reduction of iron oxide with hydrogen; boron or boron carbide fuels of 85% purity or higher and average particle size of 60 micrometers or less;

(3) Any of the foregoing metals or alloys of paragraphs (a) (1) and (2) of this section, whether or not encapsulated in aluminum, magnesium, zirconium or beryllium;

(4) Perchlorates, chlorates and chromates composited with powered metal or other high energy fuel components;

(5) Nitroguanidine (NQ);

(6) With the exception of chlorinetrifluoride, compounds composed of fluorine and one or more of the following: Other halogens, oxygen, nitrogen;

(7) Carboranes; decaborane; pentaborane and derivatives;

(8) Cyclotetramethylenetetranitramine (HMX); octahydro-1,3,5,7-tetranitro-